

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**SAFECO INSURANCE COMPANY OF
INDIANA**

Plaintiff,

v.

DEAN V. GRAZIOLLI, et al.

Defendants.

CASE NO. 1:18-CV-1675

JUDGE DAN AARON POLSTER

**DEFENDANT DEAN V. GRAZIOLLI'S
ANSWER TO THE COMPLAINT**

Now comes Defendant Dean V. Graziolli (“Defendant”), through counsel, and hereby states the following as and for his Answer to the Complaint:

1. Defendant denies for want of knowledge the allegations in Paragraph 1 of the Complaint.
2. Defendant admits the allegations in Paragraph 2 of the Complaint.
3. Defendant admits the allegations in Paragraph 3 of the Complaint.
4. Defendant denies for want of knowledge the allegations in Paragraph 4 of the Complaint.
5. Defendant denies for want of knowledge the allegations in Paragraph 5 of the Complaint.
6. Defendant denies for want of knowledge the allegations in Paragraph 6 of the Complaint.
7. Defendant admits the allegations in Paragraph 7 of the Complaint.

8. Defendant admits the allegations in Paragraph 8 of the Complaint.

9. Defendant admits the Underlying Complaint contains the language referenced in Paragraphs 9 – 12 of the Complaint and denies all other allegations contained in the forgoing Paragraphs.

10. Defendant admits the allegations in Paragraph 13 of the Complaint.

11. Defendant admits the Underlying Complaint contains the language referenced in Paragraphs 14 – 24 of the Complaint and denies all other allegations contained in the forgoing Paragraphs.

12. Defendant admits the allegations in Paragraphs 25 – 36 of the Complaint.

13. Defendant admits the Policy contains the language referenced in Paragraphs 37 – 50 of the Complaint and denies all other allegations contained in the forgoing Paragraphs.

14. In response to Paragraph 51 of the Complaint, Defendant incorporates by reference each and every one of the forgoing admissions and denials as if fully rewritten herein.

15. Defendant admits the allegations in Paragraph 52 of the Complaint.

16. Defendant denies the allegations contained in Paragraphs 53 – 65 of the Complaint.

17. In response to Paragraph 66 of the Complaint, Defendant incorporates by reference each and every one of the forgoing admissions and denials as if fully rewritten herein.

18. Defendant denies the allegations contained in Paragraphs 67 – 80 of the Complaint.

19. Defendant denies any allegation in the Complaint not explicitly admitted to.

AFFIRMATIVE DEFENSES

1. Defendant denies each and every statement, allegation and averment contained in the Complaint which is not specifically admitted to be true.

2. The Policy does not preclude Plaintiff from defending against the Underlying Action.
3. The Complaint fails to state a claim upon which relief can be granted.
4. The Policy does not preclude Plaintiff from indemnifying Defendant against a potential judgment in the underlying Action.
5. The Policy provides coverage.
6. The Policy does not preclude coverage.
7. Plaintiffs' claims are barred by the acts and/or omissions of other individuals and/or entities which may have constituted intervening or superseding causes of the injuries and/or damages alleged to have been sustained by Plaintiffs.
8. Being mindful of the provisions of R. 11 of the Ohio Rules of Civil Procedure, and other applicable rules and laws, the answering Defendants, reserve the right to amend their answer to add to, modify or delete from it additional defenses as future circumstances may warrant.

WHEREFORE, having fully answered, the Defendant, Sergeant Dean Graziolli, prays that Plaintiff's Complaint be dismissed with prejudice, that Defendant, Sergeant Dean Graziolli, goes hence without further cost or delay, that Defendant, Sergeant Dean Graziolli, be awarded such further relief as this Court may deem just and proper and that in all respects, the Defendant, Sergeant Dean Graziolli, goes free from any liability or debt to the Plaintiffs.

Respectfully submitted,

/s/David M. Leneghan

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CERTIFICATE OF SERVICE

I certify that the foregoing document was electronically filed on January 30, 2019 with the Clerk of Court using the Court's CM/ECF system which will serve a copy of the forgoing to the following:

William H. Harter, Esq.
Attorney for Plaintiff

Hicholas A. DiCello, Esq.
Jeremy A. Tor, Esq.
*Attorneys for Defendants Melisa Yatsko
And Darian Allen, Co Administrators for
The Estate of Thomas Yatsko*

/s/David M. Leneghan
David M. Leneghan